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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**
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6 CHARLES ERIC STEWART,

7 *Petitioner,*

8 vs.

9 STATE OF NEVADA, *et al.,*

10 *Respondents.*
11

2:09-cv-01063-PMP-GWF

ORDER

12 This habeas matter under 28 U.S.C. § 2254 comes before the Court on Petitioner's
13 motion (#26) for an enlargement of time to file a response to the motion (#23) to dismiss.

14 Under the deadline in the scheduling order in this case, which expressly overrides any
15 shorter deadline under a *Klingele* minute order, Petitioner's response is due Monday,
16 September 26, 2011. #21, at 2. Petitioner seeks a 90 day extension "due to the fact Petitioner
17 is in lock up." Nevada inmates generally do not have direct physical access to a prison law
18 library. Inmates, including locked down inmates, generally access the law library through a
19 paging system. Being in "lock up" does not warrant the extension requested. The Court will
20 extend the deadline only an additional 30 days beyond the present deadline.

21 IT THEREFORE IS ORDERED that Petitioner's motion (#26) for enlargement of time
22 is GRANTED IN PART and DENIED IN PART, such that the time for Petitioner to mail a
23 response to the motion to dismiss for filing is extended up to and including October 26, 2011.

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25 DATED: August 31, 2011.

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28 PHILIP M. PRO
United States District Judge